

REMARKS

This communication is in response to the Office Action dated May 28, 2010 in which claims 1-21 and 23-32 were pending and rejected.

Status of Claims

Claims 1-17 pending, original.

Claims 18-21 pending, added.

Claim 22 canceled.

Claims 23-31 pending, added.

Claim 32 canceled.

Support for the Added Claims

Claim 18 is supported by the specification at col. 3, line 26-31; col. 4 lines 46-55; col. 5 lines 5-19 and 39-47; col. 8, lines 32-36; col. 17, lines 20-61; col. 24, lines 24-26; col. 31, line 41- col. 32, line 4; col. 5, lines 25-31; and original claims 1 and 4.

Claim 19 is supported by col. 5, lines 7-10 and original claim 1.

Claim 20 is supported by col. 5, lines 47-55; col. 8, line 18 - col. 9, line 22; col. 10, lines 30-50; col. 12, lines 38-44; col. 32, lines 22-32 and original claim 2.

Claim 21 is supported by col. 5, lines 19-25; col. 31, lines 58-64; and original claim 3.

Claim 23 is supported by col. 21, lines 51-59 and col. 9, lines 42-59.

Claim 24 is supported by col. 5, line 48; col. 6, lines 4-9; col. 11, lines 14-18; col. 32, lines 31-56; col. 5, lines 25-31; col. 31, line 65; col. 32, lines 2-3; col. 24, lines 24-26; FIGS. 1-3; and original claims 4, 9, and 10.

Claim 25 is supported by col. 9, lines 43-59; and col. 13, lines 28-43.

Claim 26 is supported by col. 6, lines 11-36; col. 33, lines 5-24; col. 5, lines 25-47; col. 31, line 65 - col. 32, line 3; and original claims 4, 11, and 14.

Claim 27 is supported by col. 32, line 57 to col. 33, line 5.

Claim 28 is supported by col. 6, lines 41-43, col. 33, lines 1-29.

Claim 29 is supported by col. 6, lines 23-36; col. 33, lines 17-18.

Claim 30 is supported by col. 6, lines 23-36; and original claim 15.

Claim 31 is supported by col. 6, lines 11-65; col. 33, lines 5-24; col. 24, lines 24-26; col. 31, lines 40- col. 32, line 4; col. 5, lines 25-31; .

Claim Rejections – 35 U.S.C. § 112

Claims 18-21, 23-25, and 29-32 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner has indicated the same reasoning for both of the rejections under 35 USC 112. Specifically, the Examiner states that there appears to be no suggestion in the specification for receiving and then transmitting *the same* packet.

Although Applicants disagree with these rejections and believe that the Specification provides proper support for the claims as written, Applicants have amended the claims to remove the requirement that the same packet be received and transmitted in order to further prosecution. With these amendments, the rejections under 35 U.S.C. §112 have been overcome.

Claim Rejections – 35 U.S.C. § 102

Claims 26 and 27 were rejected under 35 U.S.C. § 102(e) as being anticipated by LaBerge et al. (U.S. Patent No. 6,185,207 – hereinafter “LaBerge”).

With the present amendment, claim 26 has been changed to add steps of retrieving a second packet from the memory location, storing the second packet and a second data protection code in the buffer, retrieving the second packet and the second data protection code from the buffer, and transmitting the second packet and a third data protection code corresponding to the second packet onto a serial communication path.

LaBerge does not show or suggest these added limitations. In LaBerge, data to be transmitted is read from a main memory, transferred through bus interface logic, applied to a CRC generator, and then transmitted. There is no indication that the data is stored in a buffer with a second data protection code or that it is retrieved along with the second data protection code from the buffer. As such, claim 26, and claims 27-30 are patentable over LaBerge.

Assertions of Patentability

CLAIMS 18-21 AND 23

Independent claim 18 has been changed to indicate that a first packet received from the serial communication path is stored in a first memory with a first data protection code generated based on a first data protection mechanism. Claim 18 has also been changed to indicate that a second packet moved from a second memory to the first memory is stored with a second data protection code generated based on a second data protection mechanism that is different from the first data protection mechanism.

None of the cited references show or suggest using a first data protection mechanism to store data in a first memory when the data is received from a serial communication path and using a second data protection mechanism to store data in the first memory when the data is moved from a second memory to the first memory. As such, claim 18 and claims 19-21 and 23, which depend therefrom, are patentable over the cited art.

CLAIMS 24 and 25

Independent claim 24 has been changed to provide a memory adapted to receive a packet and an associated data protection code associated with a first data protection mechanism over a serial communications path. Claim 24 has also been amended to provide second logic coupled to the memory to generate and append a second data protection code to a second packet when the second packet is moved from a data storage medium to the memory.

None of the cited references show or suggest using a first data protection mechanism for data received in a memory over a serial communications path and a second protection mechanism for data moved from a storage medium to the memory. As such, claim 24 and claim 25 are patentable over the cited art.

CLAIM 31

Independent claim 31 has been changed to add means for storing the second packet and second data protection code in the buffer, means for reading the second packet and the second data protection code from the buffer and verifying the second data protection code, means for generating and appending a third data protection code that is based on the first data protection mechanism to the second packet, and means for sending the second packet with the third data protection code over the serial communications path.

None of the cited references show or suggest these added limitations. As such, claim 31 is patentable over the cited art.

Reissue Declaration

The Office Action asserted that the Supplemental Declaration filed October 21, 2009 is defective because it fails to identify at least one error which is relied upon to support the reissue application. The Office Action also asserted that the original claims should be amended or cancelled as being defective for claiming more than the patentee had a right to claim.

Applicant conducted an interview with Examiner Baker on July 29, 2010 to discuss the rejection of the Reissue Declaration. Examiner Baker indicated that the Declaration was being rejected because it refers to the original application as being "valid" instead of "invalid".

Examiner Baker indicated that the rejection of the Reissue Declaration could be overcome by having the inventors sign a new Reissue Declaration in which this error was corrected. Examiner Baker also indicated that the other reasons for rejecting the Reissue Declaration found in the Office Action were not valid rejections of the Reissue Declaration.

To overcome the rejection of the Reissue Declaration, Applicants are submitting a new Reissue Declaration that uses the word "invalid" instead of "valid." Applicants submit that this new Reissue Declaration satisfies the requirements for a Reissue Declaration.

Conclusion

For at least the reasons discussed herein, Applicant submits that the present application is in condition for allowance and respectfully requests reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes

a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Theodore M. Magee #39758/

Theodore M. Magee, Reg. No. 39,758
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

TMM